DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

D-19227

Galveston District

DISTRICT OFFICE:

3. Do waters of the U.S. exist on the site? Y/N N

FILE NUMBER:

REGULATORY PROJECT N	REGULATORY PROJECT MANAGER: Mark Pattillo Date: 22 January 2007										
PROJECT REVIEW/DETER	MINATI	ON COM	PLETE	ED: In the	office (Y/N	i): Y	Date: 22 Jar	nuary 2007			
				At pro	ject site (Y	/N): N	Date:				
PROJECT LOCATION INFO	PRMATIC	ON:									
State:						Texa	S				
County:						Aran					
Center coordinates o	_		_				27-56-39 E; 97-07-33 N				
Approximate size of			ıding u	plands & ii	n acres):	10 ac	-				
Name of waterway o	r watersh	ed:				Aran	sas Bay				
CITE CONDITIONS.											
SITE CONDITIONS: Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25	ac 25-50 a	c > 50 ac	Linear Unknown			
Type of aquatic resource	0-1 ac	I-S ac) J-3 ac	. 3-10 ac	10-23	25-30 a	.	feet			
Lake											
River											
Stream	\Box		† 	$\neg \neg \neg$	一百	一一					
Dry Wash	╁Ѭ	╅	╁Ħ	十一		一一		 			
Mudflat	1 🗂 🗆	Ħ	╅	一一				l H			
Sandflat	Ħ	 	╁ॉ	ᅥᆏ	ᅥᆏ						
Wetlands	ऻॸऻ	t h	Ħ	1 <u>5</u>	ᅥᆏ	一片		 			
Slough	177	╁┼	╁┼	 - - - - - - - - -	- 		ᅥ片	- - - 			
Prairie pothole	 	H	╁┼	 		ᅥ片	ᅥ片				
Wet meadow	╁╫	╁┼	 -	- -		- - -					
Playa lake	H	ᅡ∺ᅮ	╁┼┼	 	ᅥ片		 	- -			
Vernal pool	├ 	┧岩	╁┼	- - -	ᆂ	- - 		- - - - - - - - - 			
Natural pond			 	- - -	- - - - - 	- - - - - - - - - - 		- 			
Other water (identify type)	 	╁┼	╁┼┼	ᅥH		- - - - - - - - - - 	\dashv \dashv				
State water (meaning type)		🖳	🖳								
¹ Check appropriate boxes that bes	st describe	type of iso	lated, no	n-navigable	, intra-state	water present	and best estimate	for size of non-			
jurisdictional aquatic resource are	ea.										
Di In In I											
Migratory Bird Rule Factors ¹ :				If K	nown		If Unkno Use Best Profession				
				Yes	No	Predicted	Not Expected to				
						to Occur	Occur	Determination			
Is or would be used as habitat for	birds prot	ected by						$ \boxtimes$			
Migratory Bird Treaties? Is or would be used as habitat by	other migr	atory bird	e that					<u> </u>			
cross state lines?	Miler inigi	atory bird.	s that	🖳	[]	🖳					
Is or would be used as habitat for	endangere	d species?									
Is used to irrigate crops sold in int	erstate co	nmerce?									
¹Check appropriate boxes that bes			or appli	cability of th	ne Migratory	Bird Rule to	apply to onsite, no				
non-navigable, intra-state aquatic	resource a	rea.									
TYPE OF DETERMINATION	v.	D.	-alimin	ary 🗌 oi	. Annuar	ad 🔯					
THE OF DETERMINATION	١.		elilliili	ary 🗀 o	Арргоч	eu 🖂					
ADDITIONAL INFORMATION	ON SUPP	ORTING	NJD (required):							
1. Site/Environmental Condit			•	Jurisdiction	nal Water	Feature	0.6	55 acre			
						site? Y/N					
						iter feature ?					
			•	•		ion-Jurisdict					
		ther relev									
2. Rationale for determination											
connections: An isolated, nor	ı-navigat	ole, intras	tate wa	ater with n	o known n	exus to inte	rstate commerce	e, that is			
outside of the flood plain.											

If Yes, approximate size of jurisdictional water(s):

DETERMINATIONS OF NO JUSRIDCTION FOR ISOLATED, NON NAVIGALBE, INTRASTATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGANCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:

CESWG

FILE NUMBER:

D-18886

REGULATORY PROJECT MANAGER:

Chris Wrbas

Date: 30 Nov. 2006

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

Date: 30 Nov. 2006

At the project Site: Y(Y/N)

Date: 30 Nov. 2006

PROJECT LOCATION INFORMATION:

State: County:

Texas Galveston

Center Coordinates of Site by Latitude & Longitude Coordinates Approximate Size of Site/Property (Including Uplands & in Acres) 29° 24' 45"N, 95° 03' 07"W

Name of Waterway or Watershed

Highland Bayou

SITE CONDITIONS:

Type of Aquatic	0-1 ac	1-3 ac	3-5 ac	5-10	10-25	25-50	> 50	Linear	Unknown
Type of Aquatic Resources ¹				ac	ac	ac	ac	Feet	
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									1
Wetlands									X
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify									
Type)									

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Dind Dula Factors ²	If Kı	nown	If Unknown Use Best Professional Judgment				
Migratory Bird Rule Factors ²	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination		
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X		
Is or would be used as habitat by other migratory birds that cross state lines?					X		
Is or would be used as habitat for endangered species?					X		
Is used to irrigate crops sold in interstate commerce					X		

²Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION:

PRELIMINARY _ or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD: The presence of wetland areas that meet the three criteria (hydrophytic vegetation, wetland hydrology, and hydric soils) of a wetland as outlined in the Corps of Engineers

1987 Wetland Delineation Manual are considered isolated, since there are no direct connections to navigable waters of the United States. In addition, the wetlands do not sustain a nexus to interstate commerce and are located outside of the 100-year floodplain of any nearby waterway.

DETERMINATIONS OF NO JUSRIDCTION FOR ISOLATED, NON NAVIGALBE, INTRASTATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGANCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: CES	SWG
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FILE NUMBER:

D-19010

REGULATORY PROJECT MANAGER:

Chris Wrbas

Date:5 Jan 2007

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

Date: 5 Jan 2007

At the project Site: N(Y/N)

Date:___

PROJECT LOCATION INFORMATION:

State: County:

<u>Texas</u> <u>Matagorda</u>

Center Coordinates of Site by Latitude & Longitude Coordinates Approximate Size of Site/Property (Including Uplands & in Acres) 28° 55' 09"N, 95° 59' 09"W

Name of Waterway or Watershed

N/A Colorado River

SITE CONDITIONS:

Type of Aquatic Resources ¹	0-1 ac	1-3 ac	3-5 ac	5-10	10-25	25-50	> 50	Linear	Unknown
Resources ¹				ac	ac	ac	ac	Feet	
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat]
Wetlands									X
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify									
Type)									

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ²	If Kı	nown	If Unknown Use Best Professional Judgment					
Migratory Bird Rule Pactors	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination			
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X			
Is or would be used as habitat by other migratory birds that cross state lines?					X			
Is or would be used as habitat for endangered species?					X			
Is used to irrigate crops sold in interstate commerce					X			

²Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION:

PRELIMINARY _ or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD: The presence of wetland areas that meet the three criteria (hydrophytic vegetation, wetland hydrology, and hydric soils) of a wetland as outlined in the Corps of Engineers

1987 Wetland Delineation Manual are considered isolated, since there are no direct connections to navigable waters of the United States. In addition, the wetlands do not sustain a nexus to interstate commerce and are located outside of the 100-year floodplain of any nearby waterway.

DETERMINATIONS OF NO JUSRIDCTION FOR ISOLATED, NON NAVIGALBE, INTRASTATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGANCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTR	ICT	OFF	ICE:

CESWG

FILE NUMBER:

SWG-2007-309

REGULATORY PROJECT MANAGER:

Chris Wrbas

Date: 9 Mar 2007

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

Y(Y/N) Date: 9 Mar 2007

At the project Site: N(Y/N)

Date:___

PROJECT LOCATION INFORMATION:

State: County:

<u>Texas</u> Harris

Center Coordinates of Site by Latitude & Longitude Coordinates Approximate Size of Site/Property (Including Uplands & in Acres) <u>29° 36' 50"N, 95° 11' 05"W</u> <u>N/A</u>

Name of Waterway or Watershed

Turkey Creek

SITE CONDITIONS:

Type of Aquatic	0-1 ac	1-3 ac	3-5 ac	5-10	10-25	25-50	> 50	Linear	Unknown
Resources				ac	ac	ac	ac	Feet	
Lake									
River							_		
Stream									
Dry Wash									
Mud Flat									
Sand Flat									7
Wetlands									X
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify									
Type)									

Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ²	If Known		If Unknown Use Best Professional Judgment				
Migratory Bird Rule Factors	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination		
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X		
Is or would be used as habitat by other migratory birds that cross state lines?					X		
Is or would be used as habitat for endangered species?					X		
Is used to irrigate crops sold in interstate commerce					X		

²Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION:

PRELIMINARY _ or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD: The presence of wetland areas that meet the three criteria (hydrophytic vegetation, wetland hydrology, and hydric soils) of a wetland as outlined in the Corps of Engineers

1987 Wetland Delineation Manual are considered isolated, since there are no direct connections to navigable waters of the United States. In addition, the wetlands do not sustain a nexus to interstate commerce and are located outside of the 100-year floodplain of any nearby waterway.

DETERMINATIONS OF NO JUSRIDCTION FOR ISOLATED, NON NAVIGALBE, INTRASTATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGANCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:

CESWG

FILE NUMBER:

D-19129

REGULATORY PROJECT MANAGER:

Chris Wrbas

Date: 23 Jan 2007

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

At the project Site: N(Y/N)

Date: 23 Jan 2007 Date: 23 Jan 2007

PROJECT LOCATION INFORMATION:

State: County: <u>Texas</u> <u>Harris</u>

Center Coordinates of Site by Latitude & Longitude Coordinates Approximate Size of Site/Property (Including Uplands & in Acres) 29° 41' 59"N, 95° 08' 20"W

Name of Waterway or Watershed

N/A Boggy Bayou

SITE CONDITIONS:

Type of Aquatic	0-1 ac	1-3 ac	3-5 ac	5-10	10-25	25-50	> 50	Linear	Unknown
Resources ¹				ac	ac	ac	ac	Feet	
Lake									
River		_							
Stream									
Dry Wash									
Mud Flat									
Sand Flat									1
Wetlands									X
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify									
Type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ²	If Known		If Unknown Use Best Professional Judgment				
Migratory Bird Rule Factors	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination		
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X		
Is or would be used as habitat by other migratory birds that cross state lines?					X		
Is or would be used as habitat for endangered species?					X		
Is used to irrigate crops sold in interstate commerce					X		

²Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION:

PRELIMINARY X or APPROVED

ADDITIONAL INFORMATION SUPPORTING NJD: The presence of wetland areas that meet the three criteria (hydrophytic vegetation, wetland hydrology, and hydric soils) of a wetland as outlined in the Corps of Engineers

1987 Wetland Delineation Manual are considered isolated, since there are no direct connections to navigable waters of the United States. In addition, the wetlands do not sustain a nexus to interstate commerce and are located outside of the 100-year floodplain of any nearby waterway.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	CESWG	Galveston D	istrict			_		7	
FILE NUMBER:	D-19222				6	M	DY	,	
REGULATORY PROJECT MA	NAGER:	Weitknech	nt		_(_	\mathbf{U}	Date:		21-Mar-07
PROJECT REVIEW/DETERMI	NATION CO	MPI FTFD	In the office		Y		Date:		21-Mar-07
THOUSEN HEVICANDE LENIAN	MATION OC)IIII		t Site			Date:	N/A	21111411-07
PROJECT LOCATION INFORM State: County: Center Coordinates of S Approximate Size of Sit Name of Waterway or W	Site by Latit e/Property		jitudinal Co	oordinates	, ,		Texas Liberty Site-1 30 0	04' 45" N, 94 5	7' 05" W 583
SITE CONDITIONS:									
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands		<u> </u>							Х
Slough									
Prairie Pothole									
Wet Meadow	<u> </u>								
Playa Lake		ļ							
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									
1 Check appropriate boxes the	at best des	cribe type c	of isolated,	non-navig	able, intra-	state water	present a	nd best	
estimate for size for non-jui	risdictional	aquatic res	ource area	a.					
Migratory Bird Rule Factors ¹ :				If Kı	nown	ι	_	f Unknown rofessional J	udgment
				Yes	No	Predicted to Occur		ected to Occur	Not Able to Make Determination
Is or would be used as habita Migratory Bird Treaties?	•	•	•			x			
Is or would be used as habita cross state lines?	t by other r	nigratory b	irds that			х			
is or would be used as habita	t for endan	gered spec	ies?						X
Is used to irrigate crops sold	in interstat	e commerc	e?						Х
¹ Check appropriate boxes the isolated, non-navigable, intra-				licability o	f the Migra	tory Bird R	ule to app	ly to onsite, n	on-jurisdictional,
TYPE OF DETERMINATION:				Prelimina	X	or	Approved		

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

MEMORANDUM FOR THE FILE

SUBJECT: **D-192222**; Jurisdictional Determination, 167-Acres and 416-Acres, Non Contiguous Tracts Northwest of Dayton, Liberty County, Texas

- 1. The two project sites are located near one another but are not contiguous. Site 1 is approximately 416-acres and Site 2 is approximately 167-acres in size. Located within the two project boundaries are what appear to be an unknown amount of isolated wetlands. No project specifics were given with the jurisdictional determination request to ascertain which, if any, of these wetlands are to be filled.
- 2. The wetlands that were determined to be isolated were called so because they are completely outside the 100-year floodplain of a water of the United States, have no known nexus to interstate commerce, and they do not have a direct surface hydrologic connection to a water of the United States.
- 3. No waters of the U.S. are present within the two subject tracts.

Glenn Weitknecht Regulatory Specialist

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	CESWG			_		_			
FILE NUMBER:	D-19009					_			
REGULATORY PROJECT MA	NAGER:	Weitknecl	ht			_	Date:		5-Mar-07
PROJECT REVIEW/DETERMI	NATION C	OMPLETED	In the office		Y		Date:		5- M ar-07
			At the Project	t Site	Υ		Date:		7-Feb-07
PROJECT LOCATION INFORM State: County: Center Coordinates of S Approximate Size of Site Name of Waterway or W SITE CONDITIONS:	ite by Latit	tude & Long (Including l	gitudinal Co Uplands &	oordinates In Acres):	:		Texas Fort Bend 29 37' 45" Lower Bra	N, 95 38' 54" '	W 714
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake	1					 			· · · · · · · · · · · · · · · · · · ·
River									
Stream		1							
Dry Wash									
Mud Flat	 					 	-		
Sand Flat								1	
Wetlands	-		x						
Slough			_			1	1		
Prairie Pothole	1								
Wet Meadow									
Playa Lake									
Vernal Pool		<u> </u>							
Natural Pond	 	-							
Other Water (Identify Type)									
1 Check appropriate boxes that	at best des	cribe type o	of isolated.	non-navig	able, intra-	state water	r present a	nd best	
estimate for size for non-jur	isdictional	aquatic res	source area	<u> </u>					
Migratory Bird Rule Factors1:		_		If K	nown			f Unknown	
						ι	Jse Best Pi	rofessional J	udgment
				Yes	No	Predicted to Occur		ected to Occur	Not Able to Make Determination
is or would be used as habita	t for birds	protected b	у						
Migratory Bird Treaties?									X
Is or would be used as habita	t by other r	nigratory b	irds that						
cross state lines?			_			Х			
Is or would be used as habita					Х				•
Is used to irrigate crops sold	e?				Х				
¹ Check appropriate boxes that isolated, non-navigable, intra-				licability o	f the Migra	tory Bird F	tule to app	ly to onsite, n	on-jurisdictional,
TYPE OF DETERMINATION:				Prelimina	n, Y	or	Approved		

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

MEMORANDUM FOR THE FILE

SUBJECT: **D-19009**; Jurisdictional Delineation Verification, 714.57-Acre Proposed Residential Subdivision, Cherokee Investments, City of Sugar Land, Fort Bend County, Texas

- The total project site is approximately 714.57-acres. Located within the project boundaries is an unknown amount of what appears to be isolated wetlands. None of these wetlands extend off of the subject tract. No project specifics were given with the jurisdictional determination request to ascertain which, if any, of these wetlands are to be filled.
- 2. The wetlands that were determined to be isolated were called so because they are completely outside the 100-year floodplain of a water of the United States, have no known nexus to interstate commerce, and have no apparent direct surface hydrological connection to a water of the United States.
- 3. There are 82.96-acres of waters of the United States present within the project boundaries. Specifically, there are 35.41-acres of Oyster Creek and 47.55-acres of adjacent wetlands that meet the hydrophytic vegetation, wetland hydrology, and hydric soils criteria of the Corps of Engineers 1987 Wetland Delineation Manual.

Glenn Weitknecht Regulatory Specialist

DETERMINATIONS OF NO JUSRIDCTION FOR ISOLATED, NON NAVIGALBE, INTRASTATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGANCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTR	ICT O	FFIC	E:

Galveston District

FILE NUMBER:

SWG-2007-91

REGULATORY PROJECT MANAGER:

Kristi McMillan

Date:8 March 2007

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

At the project Site: (Y/N)

Date:8 March 2007 Date:

PROJECT LOCATION INFORMATION:

State:

Texas Harris

County:

Center Coordinates of Site by Latitude & Longitude Coordinates

Lat: 29.46.37 Long: 95.13.49

Approximate Size of Site/Property (Including Uplands & in Acres)

0.5

Name of Waterway or Watershed

Hunting Bayou

SITE CONDITIONS:

Type of Aquatic	0-1 ac	1-3 ac	3-5 ac	5-10	10-25	25-50	> 50	Linear	Unknown
Type of Aquatic Resources ¹				ac	ac	ac	ac.	Feet	
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									1
Wetlands	X								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake				-					
Vernal Pool									
Natural Pond									
Other Water (Identify									
Type)									

Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for nonjurisdictional aquatic resource area.

Migratory Dind Dula Fastors ²	If Known		If Unknown Use Best Professional Judgment				
Migratory Bird Rule Factors ²	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination		
Is or would be used as habitat by birds protected by Migratory Bird Treaties?			X				
Is or would be used as habitat by other migratory birds that cross state lines?			X				
Is or would be used as habitat for endangered species?					X		
Is used to irrigate crops sold in interstate commerce				X			

²Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION:

PRELIMINARY X or APPROVED _

ADDITIONAL INFORMATION SUPPORTING NJD:

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:

TYPE OF DETERMINATION:

GALVESTON

FILE NUMBER:	SWG-200	7-359-RC							
REGULATORY PROJECT MA	NAGER:	Johnson					Date:		3/23/200
PROJECT REVIEW/DETERMI	NATION CO	MPLETED:	DESK YES		(Y/N)		Date:		3/23/200
			At the Project	yes	(Y/N)		Date:		3/9/200
PROJECT LOCATION INFOR	MATION:								
State:							Texas		
County:							Montgome	ery	
Center Coordinates of	-		_		; :		40.7		
Approximate Size of Si		(Including	Uplands &	In Acres):			13.7-ac	B	
Name of Waterway or V	Watershed:						Harpers H	orsepen Branc	<u></u>
SITE CONDITIONS:									
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands	XXXXX								
Slough		-							
Prairie Pothole									
Wet Meadow									
Playa Lake	_	+							
Vernal Pool		-							
Natural Pond									
Other Water (Identify Type)									
¹ Check appropriate boxes th	at best des	cribe type o	of isolated,	non-navig	able, intra-	state water	present a	nd best	
estimate for size for non-ju		aquatic res	source area			<u> </u>		If Unknown	
Migratory Bird Rule Factors ¹ :	:			IT KI	nown	١,			ıdamanı
						Predicted		rofessional Jupected to	Not Able to Make
				Yes	No	to Occur	1	Docur	Determination
Is or would be used as habita	t for hirds	protected h				to Occur			Determination
Migratory Bird Treaties?	it for birds	protected b	,						xxx
	at by other	migratory h	irds that						
Is or would be used as habitat by other migratory birds that cross state lines?									xxx
Is or would be used as habitat for endangered species?									XXX
Is used to irrigate crops sold in interstate commerce?					_				XXX
¹ Check appropriate boxes th isolated, non-navigable, intra	at best des	cribe poten	tial for app	licability o	f the Migra	tory Bird R	tule to app	ly to onsite, n	

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): Isolated wetlands with no known nexus to interstate commerce.

Preliminary _____

Approved XXXXXX

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	GALVEST	ON				_				
FILE NUMBER:	SWG-2007	'-346-RC				-				
REGULATORY PROJECT MA	NAGER:	Johnson				-	Date:		3/23/2007	
PROJECT REVIEW/DETERMI	NATION CO	MPLETED:	DESK YES		(Y/N)		Date:	Date: 3/23/2		
			At the Project	t yes	(Y/N)		Date:		3/9/2007	
PROJECT LOCATION INFORM State: County: Center Coordinates of Approximate Size of Si Name of Waterway or V	Site by Latit				::		Texas Montgome 5.4-ac Harpers H	ery orsepen Brand	ch	
SITE CONDITIONS:										
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown	
Lake										
River										
Stream										
Dry Wash										
Mud Flat										
Sand Flat	_									
Wetlands		XXXXXX						_		
Slough										
Prairie Pothole	_			ļ	_					
Wet Meadow						ļ				
Playa Lake	_									
Vernal Pool										
Natural Pond				ļ						
Other Water (Identify Type)	_									
Check appropriate boxes the estimate for size for non-juntage.	at best desc	ribe type o	of isolated,	non-navig	able, intra-	state water	present a	nd best		
Migratory Bird Rule Factors ¹ :		aquatio : co			nown			f Unknown		
lingratory Bird Rule ractors .	•					ι		rofessional J	udgment	
				Yes	No	Predicted to Occur	Not Ex	pected to Occur	Not Able to Make Determination	
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				,					xxx	
Is or would be used as habitat by other migratory birds that cross state lines?									xxx	
Is or would be used as habita						XXX				
Is used to irrigate crops sold	e?						XXX			
¹ Check appropriate boxes th isolated, non-navigable, intra		•		olicability o	f the Migra	tory Bird R	ule to appl	y to onsite, n	on-jurisdictional,	
TYPE OF DETERMINATION:				Prelimina	у	or	Approved	xxxxx		

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): Isolated wetlands with no known nexus to interstate commerce.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

I-5380

CESWG-PE-RCC

REGULATORY PROJECT	Γ MANAGE	MANAGER:John <u>Wong</u>		Date: <u>1 Feb 2007</u>			-		
PROJECT REVIEW/DETI	ERMINATI	ON COM	PLETED		the office the project :		Date: 1		-
PROJECT LOCATION IN	FORMATIO	ON•		At	the project s	(1//·) Date <u>51</u>	Jan 2007	
State:	TORMATI	O14.				Texa			
County:						Came			
	f .: t . h l	-4:4d. 0	المستعلمة المستعلم	:				10	
Center coordinate							<u>-37/97-32-2</u>	<u></u>	
Approximate size			iaing upi	ands & in a	cres):	15 ac		 	
Name of waterway	y or watersh	ed:				Resa	ca del Ranc	h Viejo	
SITE CONDITIONS: Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ae	5-10 ac	10-25 ac	25-50 ac	- FO ac	T:man	I Hadan and
Type of aquatic resource	U-1 ac	1-3 ac	3-5 ae	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat					_				
Wetlands					X				
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									
¹ Check appropriate boxes that jurisdictional aquatic resource		type of iso	lated, non	 -navigable, i	ntra-state wa	ter present ar	 d best estim	ate for size of	non-

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment			
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination	
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X			
Is or would be used as habitat by other migratory birds that cross state lines?			X			
Is or would be used as habitat for endangered species?				X		
Is used to irrigate crops sold in interstate commerce?					X	
Is used to irrigate crops sold in interstate commerce? Check appropriate boxes that best describe potential for appli	 cability of th	e Migrator	 v Bird Rule to	apply to onsite, non-	X iurisdictional, isol	

'Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

DISTRICT OFFICE:

FILE NUMBER:

Preliminary X Or Approved __.

OPITIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): Separated from main Resaca by development and road. Old connecting culvert reportedly blocked/inoperative for 20 years.

DETERMINATIONS OF NO JUSRIDCTION FOR ISOLATED, NON NAVIGALBE, INTRASTATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGANCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT	OFFICE
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CESWG-PE-RC

FILE NUMBER:

SWG-2007-97

REGULATORY PROJECT MANAGER:

Kristi N. McMillan

Date: 14 March

<u>2007</u>

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

Date: 14 March 2007

Date:

At the project Site: (Y/N)

PROJECT LOCATION INFORMATION:

State:

County:

Center Coordinates of Site by Latitude & Longitude Coordinates

Approximate Size of Site/Property (Including Uplands & in Acres) Name of Waterway or Watershed

Texas Harris

Lat: 29.42.23 Long: 95.05.37

29 acres Buffalo Bayou

SITE CONDITIONS:

Type of Aquatic	0-1 ac	1-3 ac	3-5 ac	5-10	10-25	25-50	> 50	Linear	Unknown
Resources ¹				ac	ac	ac	ac	Feet	
Lake									
River									
Stream									
Dry Wash				_					
Mud Flat									
Sand Flat									1
Wetlands	X								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool				_				_	
Natural Pond									
Other Water (Identify									
Type)									

1 Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-

jurisdictional aquatic resource area.

Missesser, Divid Bula Factors ²	If Known		If Unknown Use Best Professional Judgment				
Migratory Bird Rule Factors ²	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination		
Is or would be used as habitat by birds protected by Migratory Bird Treaties?			Х				
Is or would be used as habitat by other migratory birds that cross state lines?			Х				
Is or would be used as habitat for endangered species?				X			
Is used to irrigate crops sold in interstate commerce				Х			

²Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION:

PRELIMINARY _ or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD:

DETERMINATIONS OF NO JUSRIDCTION FOR ISOLATED, NON NAVIGALBE, INTRASTATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGANCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	CESWG-PE-RC
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FILE NUMBER: SWG-2006-2542-RC

REGULATORY PROJECT MANAGER: Kristi N. McMillan Date:30 January

<u>2007</u>

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N) Date: 30 January 2007

At the project Site: (Y/N) Date:

PROJECT LOCATION INFORMATION:

State: **Texas** County: **Harris**

Center Coordinates of Site by Latitude & Longitude Coordinates Lat: 30.05.38 Long: 95.36.33

Approximate Size of Site/Property (Including Uplands & in Acres) 31.47 acres Name of Waterway or Watershed Boggs Gully

SITE CONDITIONS:

Type of Aquatic Resources ¹	0-1 ac	1:3 ac.	3-5 ac	5-10	- 10+25 :	25-50 ac	> 50 ac	Finear :	Unknówn
Lake	ERIOCHTOCK THE MANAGES	2 LEON MODIMENT POWERS	SAME PORTO, AND DESCRIPTION OF	PARTITION OF THE PROPERTY OF THE PARTITION OF THE PARTITI	THE RESERVE OF THE PARTY OF	Company and Company of the Company o	CHIMMEN STREET, NO. OF STREET, CO.	and the place and particular countries are a consistent	Parket profit of the page the for
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									And the first of the second of the second se
Wetlands		X							
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify									
Type)	х								
Man-made Pond									

Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for nonjurisdictional aquatic resource area.

	μK	iown	17 Unikno	vvin Élsej Bkesi⊪B (orês	stonal Judgment
Migratory Bird Rule Factors	Yes	No 4	Production	tan bareerahir Grenip	Note able to Make Determination
Is or would be used as habitat by birds protected by Migratory Bird Treaties?			Х		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce		Х			

² Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION: PRELIMINARY _ or APPROVED X ADDITIONAL INFORMATION SUPPORTING NJD:. The 2004 infrared aerial photograph shows the area between the project site and Boggs Gully to be developed. It appears that this development inhibits a hydrologic surface connection between the project site and a water of the United States. The FEMA floodplain map indicates that the site is located outside of the 100-year flood plain of Boggs Gully, which is a water of the United States.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:

TYPE OF DETERMINATION:

GALVESTON

FILE NUMBER:	D17839/01								
REGULATORY PROJECT MA	NAGER:	Johnson			,	-	Date:		2/14/2007
PROJECT REVIEW/DETERMI	NATION CO	MPLETED:	DESK YES At the Project		(Y/N) (Y/N)		Date: Date:		2/14/2003 12/5/2003
PROJECT LOCATION INFORM State: County: Center Coordinates of	Site by Latit				:		Texas Montgome	ery	
Approximate Size of Si Name of Waterway or V		(Including	Uplands &	In Acres):			Bear Bran	ch	65
SITE CONDITIONS:									
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands	XXXXXX								
Slough	1							<u> </u>	
Prairie Pothole									
Wet Meadow	ļ								
Playa Lake									
Vernal Pool				ļ					
Natural Pond Other Water (Identify Type)									
1 Check appropriate boxes th	at best desc	ribe type o	f isolated,	non-navig	able, intra-	state water	present a	nd best	
estimate for size for non-ju	risdictional	aquatic res	ource area	a.					
Migratory Bird Rule Factors ¹ :				If Kr	nown	ι		lf Unknown rofessional J	udgment
				Yes	No	Predicted to Occur		pected to Occur	Not Able to Make Determination
Is or would be used as habita Migratory Bird Treaties?	_		-						xxx
Is or would be used as habita cross state lines?	it by other m	iigratory b	irds that						XXX
Is or would be used as habita	t for endand	ered spec	ies?					_	XXX
Is used to irrigate crops sold									XXX
¹ Check appropriate boxes th isolated, non-navigable, intra	at best desc	ribe poten	tial for app	licability o	f the Migra	tory Bird R	ule to app	ly to onsite, n	_

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): Isolated wetlands with no known nexus to interstate commerce.

Preliminar XXXXXX

Approved __

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	GALVEST	ON				_			
FILE NUMBER:	D18888				_				
REGULATORY PROJECT MA	NAGER:	Johnson				_	Date:		1/23/200
PROJECT REVIEW/DETERMI	NATION CO	MPLETED:	DESK YES		(Y/N)		Date:		1/23/2007
			At the Projec	t yes	(Y/N)		Date:		10/3/200
PROJECT LOCATION INFORI State: County: Center Coordinates of Approximate Size of Si Name of Waterway or V	Site by Lati te/Property						Texas Montgome Start 30° 1	5' 53"N, 95° 2	7' 21"W
SITE CONDITIONS:									
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands		XXXX							
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake			_						
Vernal Pool									
Natural Pond									
Other Water (Identify Type)	_								
1 Check appropriate boxes th	at best des	cribe type c	of isolated	non-navia	able intro-	state water	nrocent a	nd boot	
estimate for size fcr non-ju					able, Ilitia-	state water	present a	iu best	
Migratory Bird Rule Factors ¹ :			, , , , , , , , , , , , , , , , , , , ,		nown	Τ		f Unknown	
Inigiatory Bird Rule Pactors .						lι		rofessional J	udament
						Predicted		pected to	Not Able to Make
				Yes	No	to Occur		Occur	Determination
Is or would be used as habita	t for birds	protected b	у	-					
Migratory Bird Treaties?									XXX
Is or would be used as habita	t by other r	nigratory b	irds that						
cross state lines?									XXX
Is or would be used as habita	t for endan	gered spec	ies?						XXX
Is used to irrigate crops sold									XXX
¹ Check appropriate boxes th isolated, non-navigable, intra				olicability o	f the Migra	tory Bird R	ule to appl	y to onsite, n	on-jurisdictional,
TYPE OF DETERMINATION:				Prelimina	XXXXXX	or	Approved		

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): Isolated wetlands with no known nexus to interstate commerce.

DETERMINATIONS OF NO JUSRIDCTION FOR ISOLATED, NON NAVIGALBE, INTRASTATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGANCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: <u>CESW</u>	G-PE-RC
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FILE NUMBER: SWG-2006-2575-RC

REGULATORY PROJECT MANAGER: Kristi N. McMillan Date: 18 January

2007

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

At the project Site: (Y/N)

Date: 18 January 2007

Date: _____

PROJECT LOCATION INFORMATION:

State: Texas
County: Harris

Center Coordinates of Site by Latitude & Longitude Coordinates

Approximate Size of Site/Property (Including Uplands & in Acres)

Lat: 30.07.13 Long: 95.26.25

5.3 acres

Name of Waterway or Watershed

S.5 acres
Panther Branch

SITE CONDITIONS:

Type of Aquatic Resources	0-1 ac	1-3 ac	3-5 ac	25-10	10-25	25-50	>50:∍	Linear	Unknown
Resources ¹				5-10 ac	ac	ac	ac.	Linear Feet	
Lake									
River									
Stream									
Dry Wash									
Mud Flat				_					
Sand Flat									
Wetlands									
Slough	_								
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify									
Type)	X								
Man-made Pond									

1 Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ²	If Unknown Use Best Professional Judgment								
Migratory Directions	Yes:	No		Not Expected to a Occur					
Is or would be used as habitat by birds protected by Migratory Bird Treaties?			X						
Is or would be used as habitat by other migratory birds that cross state lines?			Х						
Is or would be used as habitat for endangered species?				Х					
Is used to irrigate crops sold in interstate commerce		Х							

²Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION: PRELIMINARY $_$ or APPROVED \underline{X}

ADDITIONAL INFORMATION SUPPORTING NJD:. The 2004 infrared aerial photograph shows the area between the project site and Spring Creek to be developed. It appears that this development inhibits a hydrologic

SWG-2006-2575-RC

surface connection between the project site and a water of the United States. The FEMA floodplain map indicates that the site is located outside of the 100-year flood plain of Spring Creek, which is a water of the United States.

DETERMINATIONS OF NO JUSRIDCTION FOR ISOLATED, NON NAVIGALBE, INTRASTATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGANCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:

Galveston District

FILE NUMBER:

SWG-2006-2551-RC

REGULATORY PROJECT MANAGER:

John Davidson

Date: 16 Jan. 2007

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

Date: 10 January 2007

At the project Site: N(Y/N)

PROJECT LOCATION INFORMATION:

State: County: <u>Texas</u> <u>Harris</u>

Center Coordinates of Site by Latitude & Longitude Coordinates Approximate Size of Site/Property (Including Uplands & in Acres) 30.008454 N; 95.582059 W

Name of Waterway or Watershed

9.68 Acres Spring Creek watershed

SITE CONDITIONS:

Type of Aquatic	0-I ac	1-3 ac	3-5 ac	5-10	10-25	25-50	> 50	Linear	Unknown
Resources ¹				aç	ac	ac	ac	Feet	
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands									X
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify									
Type)									

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

N' I DI F	If Known		If Unknown Use Best Professional Judgment				
Migratory Bird Rule Factors ²	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination		
Is or would be used as habitat by birds protected by Migratory Bird Treaties?			Х				
Is or would be used as habitat by other migratory birds that cross state lines?			Х				
Is or would be used as habitat for endangered species?					X		
Is used to irrigate crops sold in interstate commerce				Х			

² Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION:

PRELIMINARY _ or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD: The tract contained wetlands located above the 100-year floodplain that do not have a direct hydrologic surface connection to the unnamed tributary. These wetlands are isolated with no known nexus to interstate commerce and therefore, are not waters of the United States.